



Lindsay Lorimer

Toronto

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education and year of call

- Called to the Ontario bar - 2000
- Dalhousie University, LLB - 1998
- Dalhousie University, BA, History (*Deans List*) - 1994

practice areas

litigation
product liability
class actions
insurance
business litigation
mediation
appellate advocacy
construction litigation
product safety regulatory
data breach and privacy litigation

industries

automotive
life sciences
pharmaceuticals
transportation
construction
food, beverage and agribusiness
healthcare
aboriginal law

profile

Lindsay Lorimer is a partner in the Litigation and Dispute Resolution Group. Her practice is focused on product liability litigation, class actions, complex commercial litigation, jurisdictional issues and insurance. Lindsay assists a number of companies with national coordination and management of their litigation matters. In addition, Lindsay has advised clients in crisis situations dealing with privacy and data breaches.

Lindsay also regularly advises manufacturers, distributors, importers and retailers on regulatory requirements of various products, risk management issues and corrective actions including product warnings and recalls.

Lindsay enjoys a Distinguished rating from *Martindale-Hubbell*, is recognized in the international **Who's Who Legal for Product Liability Defence** and is described as a "top tier advocate who is known to be a very effective either at mediation or in the courtroom". Lindsay is ranked in **Chambers and Partners** where she is commended for her deep knowledge of product liability defence and product recall matters; **2020 Benchmark Litigation: Canada Guide** ranks her as a **Litigation Star**. She has extensive experience defending class actions and both individual and commercial product liability lawsuits involving a broad range of products including fire and security products, consumer products, food products, pharmaceuticals and medical devices, recreational products, construction and industrial machinery, motor vehicles, building materials and juvenile products. Her broad experience includes cases that involve complex scientific, medical and technical evidence.

Lindsay has been counsel in several class proceedings, national and international, relating to product liability, with a strong emphasis on pharmaceutical products. Her class action experience includes decisions on a wide range of domestic and

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cross-border issues including those relating to parallel proceedings, cross-border discovery, challenging expert evidence, jurisdiction and class action certification and settlement. She has been involved extensively in multijurisdictional product liability litigation in pharmaceuticals including the Canadian diet drug litigation, Baycol and Prepulsid class actions. As a result of her work, Lindsay has knowledge of medical-legal issues and also the regulatory regime governing the approval and marketing of pharmaceutical products in Canada.

Prior to joining the firm, Lindsay practised with a prominent class action boutique and served as in-house counsel with a large insurance company. Lindsay has expertise in complex insurance disputes, insurance coverage issues and reinsurance.

Lindsay has been counsel in a range of civil cases and has appeared as counsel before all levels of court in Ontario, as well as the Financial Services Commission of Ontario. In addition, Lindsay has experience in product liability-related Coroner's Inquest proceedings.

directorships and professional associations

- Ontario Bar Association
- The Advocates' Society
- Toronto Construction Association
- BILD
- Defense Research Institute:
 - Product Liability Conference
 - Chair 2021
 - Vice Chair 2020
 - Past Chair of the Children's Products Specialized Litigation Group 2016-2018 Past Specialized Litigation Group Chair
- International Association of Defence Counsel
- 2019 International Association of Defence Counsel (IADC)
- International Consumer Product Safety Organization (ICPHSO)
- Canadian Association of Professionals in Regulatory Affairs (CAPRA)

representative matters

- Acting as national counsel to major global manufacturer in connection with their product liability litigation across Canada
- Successfully defending foreign company in anti-suit proceeding
- Providing policy and compliance advice to global companies in relation to the *Canadian Consumer Product Safety Act*

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- Representing auto parts companies in multijurisdictional class proceedings involving consumer protection and competition allegations
- Representing a trust company in national class proceedings
- Representing a leading pharmaceutical company in connection with indemnity advice
- Representing a leading pharmaceutical company in connection with risk management advice
- Defended an international manufacturing company in a fatality claim respecting the design and labelling of a hydraulic component
- Defended a building products manufacturer in a product liability claim relating to the design and construction of a waterproof membrane in a condominium
- Defended a North American manufacturing company in several personal injury claims relating to the design and performance of construction and aerial equipment
- Defended an architect in a complex, class action respecting the design, manufacture and installation of portables by a school board
- Defended a North American toilet manufacturer from a series of design defect and negligence claims
- Defended a North American building products manufacturer respecting the design and installation of external insulation finishing system
- Defended the city transit authority respecting the collapse of a bus shelter which caused significant personal injuries

Selected Superior Court and Appellate Decisions

- *Durham Condominium Corp No 123 v Watts*, 2019 ONSC 4833
- *Durham Condominium Corp No 123 v Watts*, 2019 ONSC 4834
- *Noiles v MTD Products Inc.*, 2019 ONSC 4642
- *Noiles v MTD Products et al.*, 2018 ONSC 5984
- *Sheridan Chevrolet v Hitachi et al*, 2017 ONSC 2803 (CanLII)
- *Urlin Rent a Car v Furukawa Electric*, 2016 ONSC 7965 (CanLII)
- *Fontanilla v Thermo Cool Mechanical*, 2016 ONSC 7023 (CanLII)
- *Urlin Rent A Car v Furukawa Electric et al*, 2016 ONSC 5736 (CanLII)

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- [Groves v Sehgal et al](#), 2016 ONSC 5053 (CanLII)
- *Groves v Sehgal et al*, 2016 ONSC 3976 (CanLII)
- *Veritas Investment v Indiabulls Real Estate Limited et al.*, 2015 ONSC 6040 (CanLII)
- *Veritas Investment Research Corporation et al. v Indiabulls Real Estate Limited et al.*, 2015 ONSC 6839 (CanLII)
- *Glube v. Pella Corp.*, 2013 Carswell Ont 13746, 2013 ONSC 6164, 233 A.C.W.S. (3d) 16
- *Catunto (Re)*, 2014 CanLII 90424 (ON OCCO)
- *Veritas Investment Research Corporation et al. v Indiabulls Real Estate Limited et al.*, 2015 ONSC 6040 (CanLII)
- *1422791 Ontario Inc v. Dynamic Health Care Solutions*, [2011] ONSC 6209
- *Butler v. Honda Canada Inc.*, [2009] O.J. 2262
- *Butler v. Honda Canada Inc.*, [2009] O.J. 2263
- *Butler v. Honda Canada Inc.*, [2008] O.J. 5390 (Ont. Sup. Ct.)
- *Arie v. Schreiber*, [2008] O.J. 2176
- *1092072 Ontario Inc. (c.o.b. Elfe Juvenile Products) v. GCAN Insurance Co et al.* [2008] O.J. 3943 (Ont. Sup. Ct. J.)
- *Sollen v. Pfizer* (2008), 290 D.L.R. (4th) 603, 55 C.P.C. (6th) 340 (Ont Sup. Ct. J.)
- *EdperBrascan Corp. v. 117373 Canada Ltd.* (2000), 50 O.R. (3d) 425, 9 B.L.R. (3d) 234, 37 R.P.R. (3d) 188 (Sup. Ct. J.)
- *MacDonald (Litigation Guardian of) v. Dufferin- Peel Catholic* (2000), 20 C.P.C. (5th) 345 (Sup. Ct. J.)
- *McGrath v. Lou*, [2000] O.J. No. 4998 (Sup. Ct. J.)
- *Spreadbury v. Milne*, [2007] O.J. No. 2375 (Sup. Ct. J.)
- *Testa v. Greater Toronto Area (GTA) Credit Union* (2001), 43 R.P.R. (3d) 121 (Ont. Sup. Ct. J.)
- *Testa v. Greater Toronto Area (GTA) Credit Union*, [2001] O.J. No. 5257 (Sup. Ct. J.)
- *Testa v. Greater Toronto Area (GTA) Credit Union*, [2001] O.J. No. 5359 (Sup. Ct. J.)
- *Wilson v. Servier Canada Inc.*, [2002] O.J. No. 2019 (Sup. Ct. J.)
- *Wilson v. Servier Canada Inc.*, [2002] O.J. No. 3722 (Sup. Ct. J.)
- *Wilson v. Servier Canada Inc.*, [2002] 26 C.P.C. (5th) 194 (Ont. Sup. Ct. J.)

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- *Wilson v. Servier Canada Inc.*, [2003] O.J. No. 155 (Sup. Ct. J.)
- *Wilson v. Servier Canada Inc.*, [2003] O.J. No. 157 (Sup. Ct. J.)
- *Wilson v. Servier Canada Inc.*, [2003] O.J. No. 280 (Sup. Ct. J.)
- *Argiloff v. Co-operators General Insurance Co.*; 2005 CarswellOnt 2681, Financial Services Commission of Ontario (Arbitration Decision)

awards and rankings

- Recognized by *Chambers Canada (2021)* as a leading lawyer in the area of Litigation: Products Liability
- Recognized in the *2020 Benchmark Litigation: Canada Guide* as a Litigation Star
- Recognized by *Chambers Canada (2020)* as a leading lawyer in the area of Litigation: Product Liability
- Named in *Who's Who Legal: Product Liability Defence 2016-19*
- Received a BV® Distinguished™ 4.4 out of 5 Peer Review Ranking from *Martindale-Hubbell*. Lindsay has been described as "very highly regarded within the products liability bar as a direct result of both her knowledge and her professionalism. Lindsay is known to be one of the hardest working litigators on Bay Street who has established herself as a top tier advocate who is known to be a very effective either at mediation or in the courtroom."
- Second Place, National Mooting Competition, Gale Cup Moot, Toronto, Ontario
- Honours Recipient in Clinical Program, Dalhousie University

community involvement

- Corporate Sponsor Committee, Bessborough Home and School
- Sponsorship, Leaside Minor Novice Gold Hockey

media mentions

- "Ontario summary judgment rules", *LawTimes*, March 11, 2011

publications

April 7, 2020

Pivoting Production to Address COVID-19 Shortages – What Manufacturers and Distributors Need to Know
Litigation Bulletin

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March 23, 2020

Does Your Business Interruption Insurance Cover You for COVID-19?
Insurance Bulletin

March 2020

Canada: Insurance & Reinsurance 2020
ICLG.com

April 2019

Canada: Insurance & Reinsurance 2019
International Comparative Legal Guide (ICLG)

March 2018

The International Comparative Legal Guide to: Insurance & Reinsurance 2018
Global Legal Group

Fall 2017

To Warn or Not to Warn - Obligations, Risks and Considerations in Product Improvements
In-House Defense Quarterly, V.11 number 4

February 2017

The International Comparative Legal Guide to: Insurance & Reinsurance 2017
Global Legal Group

August 2016

Mis(class)ified? First-of-its-Kind Class Action Gets the Green Light
Employment and Labour Bulletin

February 2016

The International Comparative Legal Guide to: Insurance & Reinsurance 2016
Global Legal Group

2015

The Law on Experts a Work in Progress
Annual Review of Civil Litigation
Eds: The Honourable Mr. Justice Todd L. Archibald, The Honourable Mr. Justice Randall Scott Echlin

January 2015

Is it Safe to Talk Now? Ontario Court of Appeal Decision in Moore on Counsel/Expert Interaction
Litigation Bulletin

2015

Canada Chapter
The International Comparative Legal Guide to: Insurance & Reinsurance 2015, 4th Edition

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December 2010

limitation periods where 'discoverability' at issue can now be determined at summary judgment
Litigation Bulletin

October 2010

Supreme Court finds coverage for construction defect claim
Construction Litigation Bulletin

August 2010

Chinese Drywall - Construction Products Claims and Coverage Issues
CCH: British Columbia Real Estate Law Developments

presentations

April 2020

The Civil Litigator's Survival Guide to Evidence- Commonly-Encountered Evidentiary Conundrums and Their Solutions
Osgoode Professional Development

June 2018

An Iron Fist in a Velvet Glove: Collective Redress in Europe
DRI International Hot Topics

2018

2018 ICPHSO Annual Meeting - Yesterday, Today and Tomorrow: How Burgeoning access to Information Has and Will Impact Consumer Expectations for Product Safety

June 2017

Jurisdictional reporting requirements: Canada, United States and European Commission plus an industry perspective discussing a tool for efficient reporting.
ICPHSO

February 2017

Silent Recall or Product Improvement
Product Liability Conference, Las Vegas, Nevada

April 2016

The Civil Litigator's Survival Guide to Evidence
Osgoode Professional Development